Filed 7/3/19 A.B. v. Superior Court CA4/2

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

A.B., Petitioner, v. THE SUPERIOR COURT OF INYO COUNTY, Respondent; INYO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES, Real Party in Interest.	E072610 (Super.Ct.No. JVSQ-2016-536-2) OPINION

ORIGINAL PROCEEDINGS; petition for extraordinary writ. Petition denied.

Josh D. Hillemeier for Petitioner.

No appearance for Respondent.

Marshall S. Rudolph, County Counsel, John-Carl Vallejo and Grace Chuchla, Deputy County Counsel for Real Party in Interest.

Petitioner A.B. (Mother) seeks extraordinary relief pursuant to California Rules of Court, rule 8.452, from a juvenile court's order terminating reunification services and setting a hearing under Welfare and Institutions Code[1] section 366.26 with respect to her son, T.S. (Minor). For the reasons set forth below, we deny Mother's writ petition.

FACTUAL AND PROCEDURAL HISTORY

Minor was born in February 2016. Minor and Mother tested positive for marijuana at the time of birth. Mother admitted to alcohol, opiate and marijuana use during her pregnancy. The Inyo County Department of Health and Human Services (the Department) put a safety plan in place for Minor. Mother complied with the plan for the first two months of Minor's life. However, on May 10, 2016, Mother crashed her car into a wall with Minor in the car; Mother was under the influence of methamphetamine, opiates and marijuana. Mother agreed to voluntary family maintenance (VFM) services after the accident.

The VFM services included child and family team meetings; a case plan; assistance with transportation to and from appointments; assistance with accessing parenting programs, substance abuse counseling, mental health counseling, and childcare; and regular meetings with the Department to evaluate Mother's progress. During this period, Mother made little progress with her substance abuse treatment. Mother did not have a single clean drug test from May through November of 2016. Mother did arrange for childcare for Minor with relatives when she planned to use drugs.

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[1] All statutory references are to the Welfare and Institutions Code unless otherwise specified.

On October 20, 2016, the Department filed a dependency petition pursuant to section 300, subdivision (b)(1), failure to protect, regarding Minor. The petition alleged that Minor fell within section 300, subdivision (b)(1) because of parents'[2] regular use of drugs and alcohol. Although Mother arranged for others to care for Minor when she was using drugs, the Department was unsure of Mother's access to Minor during these time frames. The Department did not remove Minor from Mother.

On December 15, 2016, at the joint jurisdiction/disposition hearing, Mother submitted on the report recommending dependency jurisdiction, and the juvenile court found that Minor was the person described in section 300, subdivision (b). The court ordered family maintenance services with an emphasis on drug, alcohol and mental health treatment for Mother; and left Minor in Mother's care. An "In-home status review hearing" was set for June 15, 2017.

In November and December 2016, Mother was incarcerated in Inyo County jail because of the May 2016 driving under the influence charge, and additional charges of being drunk in public. Following Mother's release, the Department continued to offer services, including transportation to and assistance with enrolling in classes for mental health, substance abuse and family services. Moreover, the Department offered assistance with arranging childcare. Mother generally declined the Department's offers, failed to attend scheduled appointment, and continued to test positive for various illicit substances.

[2] Father is not a party to this writ.

On March 22, 2017, the paternal grandmother reported that Mother had left Minor with her on March 21, so that Mother could attend a perinatal substance abuse class; mother had not returned to pick Minor up. The social worker, Jacob Arnal, located Mother at the Bishop city park. Mother was heavily intoxicated and expressed suicidal ideations to Arnal. When Arnal asked Mother where Minor was, Mother responded, "I don't know where he is, do you?"

On March 27, 2017, at the detention hearing, the Department recommended that Minor be detained from Mother, and that Mother participate in court-ordered reunification services. Mother waived a court trial on the issues and the court ordered Minor detained from Mother.

On March 28, 2017, police officers found Mother sitting in a McDonald's parking lot; she was severely intoxicated. Mother then proceeded to a nearby park where she got into a physical altercation with another individual. As a result of the altercation, the police arrested Mother; she was later released. On March 30, 2017, the police arrested Mother again for public intoxication. Mother resisted arrest and became violent with the police and hospital staff. Mother's behavior resulted in her incarceration until June 24, 2017. While Mother was incarcerated, the Department met with Mother and offered to arrange visitation with Minor and for inpatient treatment for Mother following her release. Mother declined both offers. Instead, while incarcerated, Mother participated in AA meetings, parenting classes, mental health classes and psychiatrist visits.

On May 11, 2017, at the joint jurisdiction/disposition hearing, Mother submitted on the report. The juvenile court ordered Minor detained from Mother and ordered family reunification services.

On June 24, 2017, Mother was released form Inyo County jail. On June 26, 2017, Mother tested positive for marijuana, but negative for other substances. The next day, Mother missed a scheduled visit with Minor. Despite numerous telephone calls and visits to Mother's home, the Department was unable to make contact with her until July 11. On July 11, Mother came to the Department and tested negative for all substances except marijuana. Mother provided the Department with a copy of a valid medical marijuana recommendation. On July 25, 2017, Mother met with the social worker; Mother tested positive for methamphetamine, opiates and marijuana. Mother stopped accessing the majority of her mental health and substance abuse services. Mother did visit with Minor and during visits Mother demonstrated care and affection, and interacted appropriately.

On May 17, 2018, at the review hearing, Mother had a positive review. From the fall of 2017, Mother improved her participation in services and regularly attended counseling appointments, psychiatry appointments, AA and NA meetings, and visits with Minor. Moreover, on November 7, 2017, Mother enrolled in an inpatient treatment program in San Francisco. During her treatment, Mother continued to visit with Minor, completed the "Motherhood is Sacred" program, consistently tested negative for substances, and was described by the program providers as an asset to their program.

In May 2018, Mother completed her inpatient treatment program and went to live with her mother (MGM) in Reno. The Department assisted Mother in transferring her

probation case to Washoe County in Reno, and in accessing mental health and substance abuse services in the Reno area such as enrolling in outpatient treatment programs, locating AA meetings, and obtaining transportation to appointments. Mother also completed three overnight visits with Minor, supervised by MGM.

On August 15, 2018, Mother was arrested for public intoxication and resisting arrest in Reno. Mother served approximately one and a half months in the county jail in Washoe County. She returned to Inyo County in October 2018. The Department assisted Mother in accessing services upon her return, including visitation, a perinatal substance abuse treatment program, AA meeting, Motherhood Is Sacred, and a DUI offender program. Mother attended the programs and classes. She also obtained employment and housing, and participated in successful visits with Minor.

The final review hearing, after several continuances, was set as contested for April 25, 2019.

In the status review report filed on March 12, 2019, the social worker reported that Mother obtained housing on December 5, 2018, in Bishop; maintained employment since her return to Bishop; was compliant with formal probation; participated in a perinatal substance use treatment program; attended DUI classes; and tested consistently negative for substances, except marijuana, with one exception. Mother disclosed that she used methamphetamine with Father. Mother's substance abuse, coupled with her pattern of relapses, concerned the Department.

The status review report recommended that services be terminated for Mother, and that a section 366.26 hearing be set because of Mother's inability to maintain long-term

sobriety, which negatively affected her decision making and Minor's safety. The recommended permanent plan for Minor was guardianship with his current placement.

At the contested review hearing, social worker Jacob Arnal testified. Arnal provided an update on Mother's progress since the filing of the report on March 12, 2019. Arnal testified that Mother continued to visit with Minor, unsupervised, for four hours a week. Mother had tested negative for all substances except marijuana. Arnal testified that the most recent positive drug test, other than marijuana, was a self-disclosure by mother of methamphetamine use on January 24, 2019.

Arnal testified the Department's recommendation remained to terminate services and not return Minor to Mother because of Mother's continued drug use. Mother had not shown a substantial period of sobriety; three months was the longest period Mother had gone without testing positive for an illicit substance. The Department, therefore, could not safely return Minor to her.

After hearing testimony from Arnal and Mother, and argument from counsel, the court stated as follows: "If we were to just read the social worker's report from January [2019] and there hadn't been any relapses since that report was written, it looks like the mother at least was on track to a potential reunification with [Minor]. [¶] The issue that made [Minor]'s young life unsafe to live with his parents was their persistent and reckless drug use that put his life and safety in issue. . . . [¶] . . . [¶] [I]n a situation like the mother's, who has episodic relapses, it's always difficult to know when was the last relapse. And we can't always provide—there's no guarantees in life that a parent will never use drugs or relapse, but in the situation of the mother, she's been unable to prevent

relapses with a consistency that provides a margin of safety for her child. [¶] It's not just the use of the drugs. It's the circumstances that seem to trigger her use of the drugs when she's stressed or she's in a situation where other people are using drugs. Those seem to be the circumstances that create an opportunity for her to use drugs. So she's not using drugs when she's visiting with [Minor], but those things are scheduled and they're supervised. [¶] [T]he likelihood that there will be stressful circumstances that the mother might react to by using drugs or alcohol is high in light of her history."

Thereafter, the juvenile court ruled that the return of Minor to Mother would create a substantial risk of detriment to his safety, protection, or physical or emotional well-being. Given this finding, the continuation of reunification services would be inappropriate. The court found that the Department provided reasonable services designed to reunify the family. The court also found that Minor was an Indian child, and that active efforts were made to prevent the breakup of the Indian family and that those efforts were unsuccessful. The court set the section 366.26 hearing.

On April 26, 2019, Mother filed a "notice of intent to file writ petition and request for record to review order setting a hearing under . . . section 366.26." (All caps omitted.)

On May 28, 2019, Mother filed her petition for extraordinary writ.[3]

[3] Mother requested an immediate stay of the section 366.26 hearing, currently calendared for July 18, 2019. We deny mother's request as moot as we are addressing her writ petition prior to the scheduled section 366.26 hearing.

DISCUSSION

A. THE JUVENILE COURT'S JURISDICTIONAL FINDINGS ARE SUPPORTED BY SUBSTANTIAL EVIDENCE

In her writ, Mother argues that there was insufficient evidence to support the juvenile court's finding that returning Minor to Mother's custody would create a substantial risk of detriment.

1. *STANDARD OF REVIEW*

The burden of proof at the jurisdictional hearing is preponderance of the evidence. (*Cynthia D. v. Superior Court* (1993) 5 Cal.4th 242, 248; § 355.) On appeal, the standard of review is substantial evidence. " 'The petitioner in a dependency proceeding must prove by a preponderance of the evidence that the child who is the subject of a petition comes under the juvenile court's jurisdiction. . . . On review, this court will view the juvenile court record in the light most favorable to that court's order. . . . We may not reweigh or express an independent judgment on the evidence, but must decide only whether sufficient evidence supports the findings of the juvenile court. . . . Issues of fact and credibility are matters for the trial court alone; we may decide only " ' "whether there is any substantial evidence, contradicted or uncontradicted, which will support the conclusion reached by the trier of fact." ' " ' " (*In re Shelley J.* (1998) 68 Cal.App.4th 322, 329.) In applying the substantial evidence test, we construe all reasonable inferences in favor of the juvenile court's finding. (*Francisco G. v. Superior Court* (2001) 91 Cal.App.4th 586, 600.) Moreover, "the parent has the burden of showing there

is insufficient evidence to support the order." (*In re N.M.* (2011) 197 Cal.App.4th 159, 168.)

2. *SUBSTANTIAL EVIDENCE SUPPORTS THE COURT'S FINDING*

Mother asserts that the evidence was insufficient to support the court's finding that returning the child to Mother's custody would create a substantial risk of detriment.

Before the court may order a child physically removed from his or her parent, it must find by clear and convincing evidence that the child would be at substantial risk of harm if returned home and there are no reasonable means by which the child can be protected without removal. (§ 361, subd. (c)(1).) A removal order is proper if it is based on proof of parental inability to provide proper care for the child and proof of a potential detriment to the child if he or she remains with the parent. (*In re Diamond H.* (2000) 82 Cal.App.4th 1127, 1136, disapproved on another ground in *Renee J. v. Superior Court* (2001) 26 Cal.4th 735, 748, fn. 6.) The parent need not be dangerous and the child need not have been actually harmed before removal is appropriate. The focus of the statute is on averting harm to the child. (*Diamond H.*, at p. 1136; *In re Jamie M.* (1982) 134 Cal.App.3d 530, 536, citing *In re B.G.* (1974) 11 Cal.3d 679, 699.) "In determining whether it would be detrimental to return the child at the 18-month review, the court must consider whether the parent participated regularly in any treatment program set forth by the plan, the 'efforts or progress' of the parent, and the 'extent' to which the parent 'cooperated and availed himself or herself of services provided.' " (*Blanca P. v. Superior Court* (1996) 45 Cal.App.4th 1738, 1748.) On appeal, we review a return-detriment determination deferentially for abuse of discretion, reversing only if it is arbitrary,

capricious, or patently absurd. (*In re Arthur C.* (1985) 176 Cal.App.3d 442, 446), or lacking in substantial evidence support (*Armando D. v. Superior Court* (1999) 71 Cal.App.4th 1011, 1024).

In this case, Mother argues that she had "performed remarkably well recently"—and cites to facts such as her employment, her new housing, and her compliance with probation. Mother contends that the Department has deemed Mother to be unfit based on her one self-disclosed use of methamphetamine on January 21, 2019. We disagree.

As provided in detail *ante*, throughout the history of this case, Mother met only two of the six goals of her case plan because she was unable to overcome her addiction to drugs and alcohol. After giving birth to Minor in February 2016, Mother initially complied with the safety plan and abstained from drugs for about two months. Then, in May 2016, Mother relapsed and was involved in a DUI involving Minor. For the next one and a half years, Mother was either incarcerated, consistently testing positive for various substances, or failing to participate in the majority of services offered to her. In the fall of 2017, Mother made some progress when she entered a residential treatment program. Mother, however, relapsed one and a half months after completing her treatment; she was arrested for public intoxication. Then, between her return to Inyo County and the date of the section 366.22 hearing, Mother tested positive for various substances every two to three months. We do recognize that in the months leading up to the hearing, Mother made some progress. However, after three years of services, during which Mother would have short periods of progress then relapse for extended periods of

time, the Department and juvenile court reasonably concluded that three months of sobriety was insufficient to guarantee Minor's safety.

Nonetheless, Mother argues that her drug and alcohol use cannot be held against her because there was no nexus between her "single dirty . . . test" and the risk of detriment to Minor. The reason, however, that Minor entered the system was because of Mother's drug use and Minor testing positive for drugs at birth. When there is a nexus between the parent's substance abuse and his or her inability to provide a safe home for the child, the parent's continued substance abuse demonstrates that return of the child would pose a risk of substantial detriment. (*In re David* (2005) 134 Cal.App.4th 822, 830.) This nexus can be presumed when the child is so young that "the absence of adequate supervision and care poses an inherent risk to their physical health and safety." (*In re Christopher R.* (2014) 225 Cal.App.4th 1210, 1220.)

The juvenile court, in making its removal order, aptly stated: "The issue that made [Minor's] young life unsafe to live with his parents was their persistent and reckless drug use that put his life and safety in issue. And so the question for me today is whether at the 18-month point whether [Minor] should be returned to the custody of one or both of his parents or whether reunification services should be terminated, and the focus switches to coming up with a permanent placement for [Minor] that is in his best interest. [¶] The calculus is completely different with a child like [Minor], who is so young. He just turned three about two months ago, and he's not in any position to make any provisions or to have any thought about providing for his own personal safety in the event that one or both of his parents, whoever is in charge of his care, is not in a position to be alert and

to address any of his either routine needs or any kind of emergency needs. [¶] So it's common knowledge that a child that's the age of three, . . . that child care for such a child requires one or both parents to be alert 24/7, and even when they're sleeping they need to be in a situation where they can be aroused from sleep to address any kind of emergency or upset that arises. [¶] . . . If [Minor] was [*sic*] even ten or 12 or 14, circumstances of [Minor] being able to deal with a situation where he realizes that his mother has been using drugs or not is not with it or can't wake up, he may be able to call a relative or visit a friend or a neighbor and get into a situation that's safe. At this age [Minor] is completely dependent on mom or dad or both of them being available at a moment's notice to address his emotional and physical well-being. [¶] . . . [¶] And in a situation like the mother's, who has episodic relapses, it's always difficult to know when was the last relapse. And we can't always provide—there's no guaranties in life that a parent will never use drugs or relapse, but in the situation of the mother she's been unable to prevent relapse with a consistency that provides a margin of safety for her child." We agree with the court's assessment of the facts in this case.

In sum, we find substantial evidence supports the juvenile court's removal order.

B. SUBSTANTIAL EVIDENCE SUPPORTS THE JUVENILE COURT'S FINDING OF REASONABLE SERVICES AND THE DEPARTMENT'S ACTIVE EFFORTS TO PREVENT THE BREAKUP OF AN INDIAN FAMILY

In her writ, Mother contends that "the court erred because substantial evidence does not support the finding that the Department provided reasonable services and active

efforts to prevent the breakup of the Indian family, and therefore additional services should have been ordered." (All caps. & boldface omitted.)

The court must determine if reasonable services, designed to enable the return of custody of the minor to the parent, were provided to the parent. (§ 366.22, subd. (a).) Where services were unreasonable, the court has inherent authority to continue the matter beyond the 18-month review hearing with an order that reasonable services be afforded. (*In re Taylor* (2014) 223 Cal.App.4th 1446, 1453; *In re Daniel G.* (1994) 25 Cal.App.4th 1205, 1209.) "To provide reasonable services, the Agency must identify the problems which led to the loss of custody, design services to remedy the problems, maintain reasonable contact with the parent, and make reasonable efforts to assist the parent when compliance has proved difficult." (*San Joaquin Human Services Agency v. Superior Court* (2003) 227 Cal.App.4th 215, 224, citing *In re Alvin R.* (2003) 108 Cal.App.4th 962, 972-973.) "The question is not whether more or better services could have been provided, but 'whether the services were reasonable under the circumstances.' " (*San Joaquin*, at p. 224.)

1. *REASONABLE SERVICES WERE PROVIDED TO MOTHER*

In this case, Minor was deemed to be an Indian child under the Indian and Child Welfare Act (ICWA).

Congress enacted ICWA in 1978 "to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families." (25 U.S.C. § 1902.) The law defines an Indian child as "any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in

an Indian tribe and is the biological child of a member of an Indian tribe." (25 U.S.C. § 1903(4).) ICWA provides that any party seeking foster care placement or termination of parental rights of an Indian child must first satisfy the court that "active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful." (25 U.S.C, § 1912(d).)

In 2006, California's statutes were amended to bring them into greater conformity with ICWA. The new legislation, which became effective on January 1, 2007, amended section 366.26 to add a new subdivision (c)(2)(B)(i), and added section 361.7. (Stats. 2006 ch. 838, § 52.) Amended section 366.26 states that the court "shall not terminate parental rights if: [¶] . . . [¶] . . . [i]n the case of an Indian child: [¶] (i) At the hearing terminating parental rights, the court has found that active efforts were not made as required in Section 361.7." (§ 366.26, subd. (c)(2)(B)(i).) New section 361.7 states, in relevant part: "(a) . . . a party seeking an involuntary foster care placement of, or termination of parental rights over, an Indian child shall provide evidence to the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful. [¶] (b) What constitutes active efforts shall be assessed on a case-by-case basis. The active efforts shall be made in a manner that takes into account the prevailing social and cultural values, conditions, and way of life of the Indian child's tribe. Active efforts shall utilize the available resources of the Indian child's extended

family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers." (§ 361.7.)

" 'The adequacy of reunification plans and the reasonableness of [the Department's] efforts are judged according to the circumstances of each case.' [Citation.] The [Department] 'must make a good faith effort to develop and implement a family reunification plan. [Citation.] "[T]he record should show that the supervising agency identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained reasonable contact with the parents during the course of the service plan, and made reasonable efforts to assist the parents in areas where compliance proved difficult." ' " (*In re A.C.* (2015) 239 Cal.App.4th 641, 657.)

Therefore, the Department was required to engage in "active efforts . . . to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family." (25 U.S.C. § 1912(d).) "[T]he standards in assessing whether 'active efforts' were made to prevent the breakup of the Indian family, and whether reasonable services under state law were provided, are essentially undifferentiable." (*In re Michael G.*(1998) 63 Cal.App.4th 700, 714.)

Here, Mother's sole contention regarding services appears to be that the Department failed to provide her with unsupervised visitation after February 28, 2019. Mother claims that this decision was "nonsensical" given her progress. Mother stated, "[t]his cannot be deemed reasonable services, must less active efforts." We disagree with Mother's assessment.

As provided in detail *ante*, the Department allowed supervised, overnight visits in the summer of 2018. In the fall, however, the Department did not let the visits progress to unsupervised, overnight visits because in August of 2018 Mother relapsed and was arrested for public intoxication and resisting arrest. Following Mother's release from jail, she tested positive for various substances every two to three months. The Department was under no obligation to permit unsupervised, overnight visits because the deadline for Mother to reunify with Minor was getting near. By the 18-month review hearing, Mother had received services for the entirety of Minor's life. These services included safety plans, child and family team meetings, a case plan, a DUI offender program, and regular meetings with the Department to evaluate Mother's progress. The Department further provided assistance with transportation to and from appointments; arranging and/or accessing childcare; participating in parenting programs; accessing substance abuse counseling; and accessing mental health counseling. Despite these services that were offered to Mother, she failed to achieve a sufficient level of sobriety to permit unsupervised, overnight visits. At the hearing, Arnal testified: "And I'd like to say, as indicated before, prior to the self-disclosure [by Mother that she used methamphetamine,] we were moving towards reunification as shown by the progression of visitation that we were looking towards with the mother. But as I said before, those things—that that had changed when we saw that pattern with the—over the six-month period as well as her three-year history working with us on her substance use issues." Later in the hearing, the social worker testified that "[i]nitially from my at-a-glance it's a close call, but after reviewing the entirely of the case, its *not* at close call." (Italics added.) Moreover, we

note that at the time of the section 366.22 hearing, Minor had been in foster care for one and a half years, which represented half of his life; he was three years old at the time. "[I]n order to prevent children from spending their lives in the uncertainty of foster care, there must be a limitation on the length of time a child has to wait for a parent to become adequate." (*In re Marilyn H.*(1993) 5 Cal.4th 295, 308.) The California Legislature has set a limit of six months, with possible extensions to 12 and 18 months, for parents to reunify when a child is under three years of age at the time of removal. (§ 361.5, subd. (a)(1)(B).)

Based on the above, we find that the Department engaged in active efforts to provide services and to prevent the breakup of an Indian family.

2. *MOTHER IS NOT A "SPECIAL NEEDS" INDIVIDUAL*

Mother contends that additional services should have been ordered because she is a "special needs" individual because "mother was diagnosed at the outset as bipolar and suffering from PTSD." We disagree.

In her writ, Mother cites to *In re Elizabeth R.* (1995) 35 Cal.App.4th 1774 for the proposition that the juvenile court has discretion to extend the 18-month period during which reunification services are offered because she is a "special needs parent." In *Elizabeth R.*, the mother suffered from a mental illness and was hospitalized for 13 months of the 18-month reunification period. The mother was, nevertheless, in substantial compliance with the reunification plan. (*Id.* at p. 1780.) On appeal, the court found that the mother's mental illness and resulting hospitalization made her a "special needs" parent**,** who was entitled to additional reunification services beyond 18 months.

(*Id.* at p. 1787.) The court held that the juvenile court had "discretion to accommodate the special needs of the family of the mentally ill in the unusual circumstances presented by this case." (*Ibid*.)

In this case, Mother has not shown circumstances unusual in dependency cases. Although Mother claims that she was diagnosed with bipolar disorder and suffered from posttraumatic stress disorder, these are not extraordinary when compared to the special needs of the mother identified in *Elizabeth R.*, wherein she was hospitalized for her mental illness for 13 out of 18 months during the reunification period. In *Denny H. v. Superior Court* (2005) 131 Cal.App.4th 1501, the Court of Appeal explained that courts should not follow *Elizabeth R.* "when extraordinary special needs are not at issue." (*Denny H.*, at p. 1511.) Moreover, Mother's failure to reunify with Minor was largely due to her inability to address her substance abuse, not because of her mental health diagnosis.

Therefore, we cannot say the juvenile court abused its discretion by not extending the 18-month period in order to provide more reunification services to Mother.

DISPOSITION

The writ petition is denied.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

MILLER
Acting P. J.

We concur:

CODRINGTON
J.

SLOUGH
J.